

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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KEVIN MARTIN,

Plaintiff,

9:05-CV-1583

v.

GLENN S. GOORD, Commissioner, NYS DOCS;
JOHN H. NUTTALL, Deputy Commissioner for
Program Service; JAMES V. GRANGER, Director
of Guidance and Counseling; THERESA KNAPP-
DAVID, Director of Classification and Movement;
THOMAS EAGAN, Director of Inmate Grievance
Program; *et al.*,

Defendants.

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APPEARANCES:

OF COUNSEL:

KEVIN MARTIN
Plaintiff, *pro se*

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

CHRISTOPHER W. HALL, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Kevin Martin, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated August 21, 2008, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that plaintiff's in forma pauperis status be revoked; that plaintiff's complaint be conditionally dismissed; and that if plaintiff does not pay the \$350.00 filing fee within thirty days from the date of the final order adopting the report-

recommendation, that his complaint be dismissed. The plaintiff has filed timely objections to the Report Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

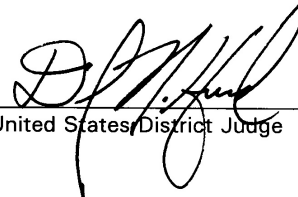
Accordingly, it is

ORDERED that

1. Plaintiff's in forma pauperis status is REVOKED;
 2. If plaintiff does not submit the entire filing fee of \$350.00 within thirty days from the date of this order, the complaint will be DISMISSED without further order;
 3. The plaintiff's motion for summary judgment (Docket No. 78) is terminated.
- However, if the plaintiff pays the required filing fee, the Clerk is directed to reinstate plaintiff's motion and re-notice a deadline for defendants' response.

IT IS SO ORDERED.

Dated: November 24, 2008
Utica, New York.



United States District Judge